



COUNTY OF SAN MATEO

# MODEL DISPOSABLE FOOD SERVICE WARE ORDINANCE SUMMARY

Updated January 2023



# For a Plastic-Free Future! Information for Food Facilities

The County of San Mateo’s Model Disposable Food Service Ware Ordinance (Ordinance) aims to reduce waste in our environment and litter in our rivers and ocean, protect public health, and reduce our dependence on plastic. The Ordinance applies to food facilities that operate within the unincorporated areas of San Mateo County and cities in the county that adopt it.



## USE REUSABLES!

**Recommended:** Use reusable instead of disposable foodware.

- Use reusables made from metal, ceramic, and glass for dine-in. **Free technical and financial assistance** is available to help you switch to reusables for dine-in!
- Encourage consumers to bring their own reusable to-go containers.
- Consider foodware services that provide reusables for dine-in and take-out operations.



## CHOOSE FIBER-BASED!

**Required:** Use natural fiber-based, compostable materials (e.g., paper, sugarcane, bamboo, etc.).

- Required for disposable plates, bowls, cups, food trays/boats, clamshells, boxes, and other containers. These fiber items must be PFAS-free. Compostable plastic lining (only) is ok for above items, but must be approved by Biodegradable Products Institute, Compost Manufacturing Alliance, or another 3rd party approved by County.
- Required for the following disposable side items (a.k.a. accessories) and their packaging, if any: straws, stirrers, utensils, cocktail/toothpicks.



## REFUSE PLASTIC!

**Not Allowed:** Use of plastic for most disposable foodware.

- Disposable foodware made from traditional plastic (petroleum-based) or compostable plastic (a.k.a. bioplastics, PLA, etc.) are not allowed.
- Polystyrene foodware (all #6 plastics and Styrofoam) is prohibited.
- Accessories must be distributed only upon request and/or at dispensers that dispense one item at a time. Refillable condiment dispensers are allowed.
- Accessories cannot be bundled.

# What's the purpose of the Disposable Food Service Ware Ordinance?



1

Reduce single-use plastics and other foodware waste



2

Improve the health and safety of our community members



3

Keep our waterways clean and safe

## Who will be affected?

This Ordinance will apply to **food facilities** that:

1. Operate within the **unincorporated areas** of San Mateo County and **cities in the county** that adopt the County of San Mateo's (County) Disposable Food Service Ware Ordinance (Ordinance); and
2. Provide **prepared food** to the general public.

**Food Facility:** In general, an entity that has a valid health permit with the County for distributing food and beverages to the public. Examples include, but are not limited to restaurants, mobile food trucks, temporary food facilities (e.g., street fairs, festivals, etc.), farmers' markets, catering operations, private schools, and other operations.

**Prepared Food:** A.k.a. ready-to-eat food. Food and beverage prepared on-site at the food facility using any cooking or food preparation technique (e.g., mixing, heating, blending, chopping, portioning, etc.).

For a list of jurisdictions in San Mateo County that have adopted the County's Ordinance, please visit: <https://www.smcsustainability.org/food-ware#start-dates>

## What items will be affected?

**Disposable foodware** refers to one-time/limited-number-of-use items associated with food and beverages. This includes, but is not limited to bowls, plates, clamshells, cups, straws, utensils, napkins, stirrers, tooth/cocktail picks, condiment packets, cup sleeves, etc.

## What's allowed?

1. Food facilities can only distribute disposable **accessories** like straws, stirrers, utensils, condiment packets, etc.:

- When requested by the consumer; and/or
- With dispensers that distribute one item at a time.

Food facilities can **offer** consumers disposable accessories **only** at drive-throughs and airports.

Food facilities using online take-out food delivery services must provide options for customers to request each type of accessory (e.g., fork, straw, napkins, etc.) and condiment (e.g., ketchup, sugar, etc.).

Food facilities can use refillable bulk dispensers for condiments.



2. The following disposable foodware must be made from **non-plastic, compostable, natural fiber-based** materials such as paper, sugarcane, wheat stalk/stem, wood, hay, etc.
  - **Four Accessories:** Straws, stirrers, utensils, cocktail/toothpicks (and if wrapped, their packaging).
  - **Larger Foodware:** Plates, bowls, cups, food trays/boats, clamshells, boxes, deli containers, and other containers. These items can be lined (**only**) with compostable plastic, but they must be approved by Biodegradable Products Institute (BPI), Compost Manufacturing Alliance (CMA), or another 3rd party approved by the County.
3. For all other disposable foodware not listed in #2 above, items accepted by the food facility's local recycling or composting programs must be used.

## What's not allowed?

4. The “**Four Accessories**” and “**Larger Foodware**” listed in #2 above cannot be plastic, either traditional (petroleum-based) or compostable (a.k.a. bioplastics, PLA, etc.). Polystyrene foodware (all #6 plastics and Styrofoam) is also not allowed.
5. **Per- and poly-fluoroalkyl substances (PFAS)** are not allowed in the “**Larger Foodware**” listed in #2 above.

NEW

Starting on 1/1/23, the State will expand this requirement to **ALL** disposable foodware made of fiber, including accessories and food contact paper (e.g., wraps, bags, tray liners, etc.).

6. Disposable accessories cannot be bundled. They must be distributed individually as separate items (e.g., each fork, spoon, straw, condiment, etc.).

NEW

7. Open containers/bins holding disposable accessories for consumers to grab-and-go are no longer allowed.



## Exemptions to the Ordinance

- Disposable foodware made from aluminum and glass are allowed.
- Disposable plastic straws may be provided only upon request to consumers with medical needs. Healthcare facilities may distribute disposable plastic straws without a request from patients.

## Additional city-specific requirements

Some cities in the county that adopted the County's Ordinance also included a few additional requirements for food facilities that operate in their jurisdictions.

### HALF MOON BAY

- Beginning on June 1, 2023, reusable foodware are required for on-premises dining.
- Disposable accessories must be provided **only** upon request.

UPDATED

### DALY CITY

- Wherever practicable, food facilities must provide reusable foodware in place of disposable foodware.

### PACIFICA

- Starting on 6/1/23, food facilities must use reusable foodware for dine-in, except for straws, stirrers, cocktail sticks/picks, toothpicks, napkins, wrappers, and liners so long as they are fiber-based, compostable.

For information on additional requirements of other cities in San Mateo County, please visit:

<https://www.smcsustainability.org/food-ware#start-dates>

## Enforcement and timeline

The **County's Office of Sustainability** will be enforcing the new requirements within unincorporated areas of San Mateo County and in cities that adopt the County's Ordinance.

The additional city-specific requirements summarized in the green textbox above will be enforced separately by the individual cities.

Please check the following website for **enforcement start dates** for jurisdictions in San Mateo County that have adopted the County's Ordinance:

<https://www.smcsustainability.org/food-ware#start-dates>

## Resources for food facilities

- **Financial and technical assistance** to switch from disposable to **reusable** foodware.
- **Technical assistance** to help meet the new requirements.
- A **Purchasing Guide** with information on approved disposable foodware items and available vendors.
- Various **signage, window cling, and employee training guide** with information on the requirements.

All resources are available on the program website: <https://www.smcsustainability.org/food-ware/facilities/>

## Questions?

[www.smcsustainability.org/food-ware](http://www.smcsustainability.org/food-ware)

[foodware@smcgov.org](mailto:foodware@smcgov.org)

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